FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL WRIT PETITION NO. 124 OF 2005.

Pralhad Damodarlal Sharma. .. Petitioner.
vs.
The State of Maharashtra & anr... Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

---

Shri Niranjan Mundargi for Arpan Rajput for the petitioner.
Shri A.S. Shitole, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 24-2-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the petitioner and the learned A.P.P. for the State.

2. By this petition, the petitioner takes exception to the issuance of process by the Metropolitan Magistrate, 36th Court, Mumbai. The offence complained of against the accused is under section 143 of the Indian Railways Act. It is submitted that this is a warrant triable case and, therefore, liberty may be given to the petitioner for filing an application under section 245 of the Criminal Procedure Code. Learned Counsel for the petitioner submits that he may be

permitted to withdraw this petition with liberty to take out appropriate proceeding under section 245 of the Cri.P.C.

3. Accordingly, petitioner is allowed to withdraw this petition with liberty to apply to the Metropolitan Magistrate for discharge under section 245 of the Cr.P.C. at the appropriate stage. If such an application is preferred by the petitioner, the same shall be decided by the Metropolitan Magistrate as expeditiously as possible and in any case within 3 months from the date of receipt of this order. In the event of any adverse order being passed, liberty to apply before the appropriate Court.